

**REMARKS**

To expedite allowance, claims 41, 42, 46 – 49, 56 – 67 and 73 – 76 have been canceled.

Claim 43 is pending in the application. Applicant has amended claim 43 replacing the term “having” with “consisting of.”

*Claim Rejections*

*Claim 43 has been rejected under 35 U.S.C. 102(b) as being anticipated by Ponath et al. In addition, claim 43 has been rejected under 35 U.S.C. 102(b) as being anticipated by Hayashida et al.*

Applicant submits that the amendment to claim 43 has obviated these rejections, which should therefore be withdrawn.

In view of the foregoing, Applicant respectfully requests favorable reconsideration of the application.

**Conditional Petition for Extension of Time and Fee Authorization**

This conditional petition is being filed along with the accompanying Amendment and Petition for Extension of time. It provides for the possibility that Applicant has inadvertently overlooked the need for a fee for extension of time.

If any extension of time for the accompanying response is required, Applicant requests that this be considered a petition therefore.

The Examiner is authorized to charge any fee deficiencies or credit any overpayments associated with this submission to the Nixon Peabody LLP Deposit Account No. 50-0850.

If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

Appl. No. 09/719,737

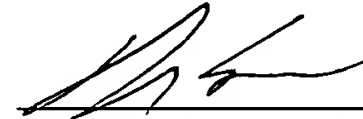
Amdt. dated June 3, 2004

Reply to Final Office Action of February 3, 2004

If the Examiner believes there are any further matters which need to be discussed in order to expedite the prosecution of the present application, the Examiner is invited to contact the undersigned.

Date: 6/3/04

Respectfully submitted,



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